

1984 S.C. Op. Atty. Gen. 74 (S.C.A.G.), 1984 S.C. Op. Atty. Gen. No. 84-33, 1984 WL 159840

Office of the Attorney General

State of South Carolina

Opinion No. 84-33

March 29, 1984

*1 V. C. Traywick, Jr.
Assistant Comptroller General
Office of the Comptroller General
Post Office Box 11228
Columbia, South Carolina 29211

Dear Mr. Traywick:

You have inquired in your letter of February 6, 1984, whether the Comptroller General's Office may issue a warrant for payment for expenses incurred by the South Carolina Department of Youth Services in providing a reception to honor retiring employees. Our research reveals that the Comptroller General's Office should not issue the requested warrant. However, since this question has not been answered by the courts of this State, we recognize the conclusion contains some uncertainty.

The Comptroller General may not issue a warrant in the absence of an express appropriation therefor. [Grimball v. Beattie](#), 174 S.C. 422, 177 S.E. 688. Article X, § 8, Constitution of South Carolina 1895 as amended, provides:
Money shall be drawn from the treasury of the State . . . only in pursuance of appropriation made by law.

See also, 1961 Op.Att'y.Gen'l. #1097. The 1983 Appropriations Act [Act No. 151 of 1983 Acts and Joint Resolutions] provides that ' . . . all agencies . . . are directed to expend State appropriated funds in strict accordance with the line item appropriations as authorized in this Act.' Section 1A. A review of the annual appropriations provided for the Department of Youth Services reveals no specific authorization for such expenditure. Section 54 of Act 151.

In addition to the absence of a specific appropriation for a retirement reception, § 134 of Act 151 provides 'that salaries paid to officers and employees of the State, including its several boards, commissions and institutions shall be in full for all services rendered, and no perquisites of office or of employment shall be allowed in addition thereto . . . ' Perquisite ordinarily means 'a privilege, gain or profit incidental to employment in addition to regular salary or wages.' [Cite omitted] 32 WORDS AND PHRASES, 'Perquisites,' p. 275. See also, BLACKS LAW DICTIONARY (5th Ed. 1979) 'Perquisite,' p. 1027. There is nothing herein to suggest a legislative intent to define 'perquisite' otherwise. A reception held to honor an employee or employees is most probably a perquisite of employment not specifically provided for by the General Assembly. Since the General Assembly has been most specific in listing the particular benefits of public employment, it is doubtful that additional benefits of public employment, such as receptions, may be assumed to be authorized.

Furthermore, the Legislature may only expend funds for public purposes. [Mims v. McNair](#), 252 S.C. 64, 165 S.E.2d 355. Even though legislation which promotes the efficiency of public employees generally constitutes a public purpose, the advantage occurring to the public must be direct, not merely indirect or remote. [Caldwell v. McMillan](#), 224 S.C. 150, 157, 77 S.E.2d 798. If the good will engendered by the giving of a reception to honor a public employee provides any public benefit, it would be remote. As noted in [Caldwell](#), 'in order to sustain a public purpose the advantage occurring to the public must be direct, not merely indirect or remote.' Id. at 157.

*2 Thus, you are advised that the Comptroller General should not issue a warrant for payment for expenses incurred in providing a reception to honor retiring employees. The conclusion herein is consistent with advice previously rendered upon this question by this Office.

Very truly yours,

Edwin E. Evans
Senior Assistant Attorney General

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